



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Kevin A. Seiling)
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Serial No. 10/001,730)
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Filed: November 2, 2001)
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Art Unit: 1732)
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Patent Examiner: Kuhns, Allan R.)
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Our Ref: 01-180)
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A COMPOSITION FOR MAKING
EXTRUDED SHAPES AND A
METHOD FOR MAKING SUCH
COMPOSITION

Assistant Commissioner for Patents
Washington, DC 20231

April 20, 2004

DECLARATION OF JERRY J. SUTCH

NOW COMES Jerry J. Sutch, an individual, who resides at 2694 Perry Highway, Portersville, Pennsylvania and who declares that the following facts are true, complete and correct:

1. I have been employed by Veka, Inc. in Fombell, Pennsylvania for 17 years. Prior to that time I earned an associate degree in Electrical Technology from the New Castle School of Trade. Currently, I am the Compounding Plant Manager at Veka, Inc.
2. During my 17 years at Veka, I have held various responsibilities in Veka's compounding plant. Generally, my work experience has involved blending various ingredients of extruded compounds, including numerous formulations that have included polyvinyl chloride as an ingredient. Currently, Veka uses at least 30-35 compound formulas to manufacture its line of extruded products.
3. Through this experience, I have become knowledgeable in the art of mixing and blending ingredients that we used in extrusion compounds.

4. At Veka, I frequently work with the Veka Research and Development Group as well as others to blend new compound formulas and to test the extruded compound. Many of these compound formulas include polyvinyl chloride together with other ingredients. The purpose of this blending and testing is to determine the effects of formula changes on various physical and chemical characteristics of the extruded products. For example, we have sometimes changed various ingredients to assess changes in weathering, color, extrusion characteristics, impactability, and other characteristics and properties of the extruded material.
5. The blending and testing of new compounds and formulations relies on both scientific theory and the results of trial and error testing.
6. I have read U.S. Patent Application Serial No. 10/001,730 which is entitled "A Composition for Making Extruded Shapes and a Method for Making Such Composition" (herein "the '730 Application"). The '730 Application concerns a compound which, in my experience, has been one of the more difficult compounds for Veka to develop.
7. In early tests, we attempted to use cellulose fiber with the polyvinyl chloride. However, that combination produced unsatisfactory results in the extruded product.
8. Later, we used glass fibers instead of cellulose fibers. Those glass fibers were relatively long; typically in the range of about 2500 to 3500 micrometers. It was thought that these long fibers would be necessary for the extruded product to exhibit the desired strength. Initially, glass fibers also yielded unsatisfactory results.
9. Thereafter, we tested compounds for which the ingredient glass fibers had various physical properties. Some of those glass fibers were in the range of about 50 to 900 micrometers - much shorter than the glass fibers that we previously used. Surprisingly, it was found that these relatively short glass fibers not only produced an extruded product with the desired strength, but also provided a product with other preferred characteristics, including – appearance and weathering.

10. In this process, we tested over 20 different formulations before we identified the formulation having relational short glass fibers as identified in the '730 Application.
11. Based on my 17 years of experience in blending vinyl compounds, including polyvinyl chloride compounds, it was not obvious to me to use shorter glass fibers in the compound as described in the '730 Application.
12. Based on my education and experience, it would not be obvious for one normally skilled in the art to select glass fibers having a fiber length in the range of 50 to 900 micrometers for use in a polyvinyl compound as set forth in the '730 Application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further I say not.

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